

c) REMARKS

The claims are 1, 4-6, 10 and 11 with claim 1 the sole independent claim. Claim 1 has been amended to better define the invention and reconsideration of the claims is respectfully requested.

The claims have been rejected employing as the primary reference, Mikuriya, U.S. Patent 7,029,813. The Examiner notes that a verified English language translation of JP 2003-203863 was previously filed, but that the translation does not disclose that the titanium chelate compounds can be hydrates. Without necessarily agreeing and solely to expedite prosecution, claim 1 has been amended to delete the phrase “hydrates thereof” in claim 1, line 10. Accordingly, the rejection of claims 1, 4, 5, 10 and 11 over Mikuriya combined with Fukuda ‘682, Hayashi ‘687 and Karaki ‘875 and/or several tertiary references (with regard to claims 5 and 11) has been obviated, since Mikuriya ‘813 has been removed as a reference.

Claim 6 was not subject to an art rejection.

Claims 1, 4, 5 and 10 were rejected as an obviousness-type double patenting over claims 1-9 of Mikuriya in view of Fukuda, Tamura, Hayashi ‘687 and Karaki. Claims 1, 4, 5 and 6 were also rejected as an obviousness-type double patenting over claims 1-6 of co-pending Application No. 10/900,177. Once the art rejection has been formally obviated, Applicants will file appropriate Terminal Disclaimers to resolve the double patenting rejections.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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